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OCT 14 2004

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October 14, 2004

**REDACTED – FOR PUBLIC INSPECTION**

Via Hand Delivery

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554


Re: *Unbundled Access to Network Elements; Review of the Section 251  
Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No.  
04-313, CC Docket No. 01-338

Dear Ms. Dortch:

NuVox, Inc. ("NuVox") respectfully submits two copies of the attached erratum correcting a formatting error found in the chart on page 44 of the redacted Comments of NuVox, filed with the FCC on October 4, 2004, for inclusion in the record. The erratum for the confidential version of NuVox's pleading is being submitted via hand delivery under a separate cover pursuant to the Commission's August 20, 2004 order in the above-referenced matter.

Please date stamp the enclosed return copy and return it in the envelope provided. If you have any questions relating to this filing, please contact the undersigned.

Very truly yours,

  
Michael H. Pryor  
Counsel to NuVox, Inc.

Enclosures

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List ABCDE

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.

Federal Communications Commission

October 14, 2004

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cc: Janice M. Myles, VIA HAND DELIVERY  
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competition to be greatest in price flex MSAs – is the rate element where BellSouth has most increased its rates. The following table compares month-to-month and discounted rates as set forth in the general rates section of BellSouth special access tariff (Section 7) and in the pricing flexibility section of BellSouth's tariff (Section 23).<sup>34/</sup> All pricing is based on Zone 1 pricing. Discounted rates are those rates available under BellSouth's ACP Plan B, described in the next section.<sup>35/</sup> As the table shows, the per-mile discounted rate is more than twice as high in price flex areas as in non-price flex areas.

COMPARISON OF PRICE FLEX AND NON-PRICE FLEX RATES				
	MONTH-TO-MONTH		DISCOUNTED	
	NON-PRICE FLEX	PRICE FLEX	NON-PRICE FLEX	PRICE FLEX
LOCAL CHANNEL	\$168.00	\$168.00	\$120.00	\$123.00
INTEROFFICE PER MILE	\$16.00	\$18.00	\$3.90	\$8.00
INTEROFFICE FIXED	\$75.00	\$85.00	\$65.00	\$65.00

The *USTA II* Court recognized that Bell companies have an incentive to raise rates, an incentive they have acted on with virtual impunity under the pricing flexibility regime. The Bell companies' ability to raise price is unchecked by competition or regulation. Indeed, the table demonstrates the lack of effective competition facing ILECs. One would have expected rates in price flex areas to have dropped below

<sup>34/</sup> Section 23 of BellSouth's tariff "provides the regulations, rates and terms and conditions that apply to telecommunications services provided by [BellSouth] in the Metropolitan Statistical Areas (MSAs) in which [BellSouth] has received Phase II pricing flexibility. . . ." BellSouth Tariff FCC No. 1 § 23.1(A).

<sup>35/</sup> Compare FCC Tariff No. 1 § 7.5.9(A)(1)(local channel) with § 23.5.2.9(A)(1) (local channel price flex MSAs); § 7.5.9(B)(2)(interoffice mileage and fixed) with § 23.5.2.9(B)(2)(interoffice mileage and fixed, price flex MSAs).

## CERTIFICATE OF SERVICE

I, Michelle C. Gardner, hereby certify that on this 14th day of October 2004, the foregoing Erratum to the filed Comments of NuVox Communications, was filed with the Federal Communications Commission's Washington D.C. location via hand delivery and copies were sent to the following as indicated:

Marlene H. Dortch  
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(2 copies redacted version)

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Michelle C. Gardner